

## BILL HISTORY FOR SENATE BILL 125 (LRB -2513 )

An Act to repeal 346.65 (6) (a) 2.; to renumber 343.305 (10m), 940.09 (1d) and 940.25 (1d); to renumber and amend 343.10 (6), 343.21 (1) (j) and 346.65 (6) (a) 1.; to amend 125.07 (4) (bs), 125.07 (4) (c), 125.07 (4) (e) 2. (intro.), 340.01 (46m) (b), 342.12 (4) (a), 342.12 (4) (c) 1. (intro.), 343.10 (5) (a) 3., 343.30 (1q) (b) 3., 343.30 (1q) (b) 4., 343.30 (6) (b), 343.305 (10) (b) 3., 343.305 (10) (b) 4., 343.31 (3) (bm) 3., 343.31 (3) (bm) 4., 343.31 (3) (c), 343.31 (3) (e), 343.31 (3) (f), 346.65 (2) (b), 346.65 (2) (c), 346.65 (2) (d), 346.65 (2) (e), 346.65 (2e), 346.65 (2g) (a), 346.65 (6) (a) 2m., 346.65 (6) (c), 346.65 (6) (d), 346.95 (2), 938.344 (2) (intro.), 938.344 (2) (c), 938.344 (2b), 938.344 (2d) (c) and 971.17 (1); to create 20.395 (5) (er), 85.55, 340.01 (46m) (c), 343.10 (6) (b), 343.21 (1) (j) 2., 343.30 (1q) (b) 4p., 343.305 (10m) (a), 343.31 (3) (bm) 4p., 346.65 (2) (g), 346.65 (6) (a) 1d., 346.93 (2g), 940.09 (1d) (a), 940.25 (1c) and 940.25 (1d) (a) of the statutes; and to affect 1997 Wisconsin Act 84, section 2, 1997 Wisconsin Act 84, section 3, 1997 Wisconsin Act 84, section 4, 1997 Wisconsin Act 84, section 5, 1997 Wisconsin Act 84, section 30, 1997 Wisconsin Act 84, section 31, 1997 Wisconsin Act 84, section 160, 1997 Wisconsin Act 84, section 161 and 1997 Wisconsin Act 84, section 162; relating to: operating a motor vehicle while under the influence of an intoxicant or drugs, or both; installation of an ignition interlock device in cases involving intoxicated operation of a motor vehicle; seizure of motor vehicles for offenses related to driving while under the influence of an intoxicant; the prohibited alcohol concentration related to operating a motor vehicle while under the influence of an intoxicant; creating a safe-ride grant program; certain alcohol beverage offenses committed by persons under the legal drinking age; making an appropriation; and providing penalties. (FE)

1999

04-21. S. Introduced by Senators **George, Drzewiecki, Huelsman, Roessler and Jauch**; cosponsored by Representatives **Plale, Staskunas, Urban, Ziegelbauer and Ladwig**.

04-21. S. Read first time and referred to committee on Judiciary and Consumer Affairs ..... 124

05-06. S. Fiscal estimate received.

05-06. S. Fiscal estimate received.

05-07. S. Fiscal estimate received.

05-11. S. Fiscal estimate received.

05-20. S. Fiscal estimate received.

06-03. S. Fiscal estimate received.

11-11. S. Representative Stone added as a cosponsor.

2000

01-28. S. Fiscal estimate received.

02-01. S. Public hearing held.

03-14. S. Executive action taken.

03-14. S. Report introduction of Senate substitute amendment 1 recommended by committee on Judiciary and Consumer Affairs, Ayes 5, Noes 0 (LRB s0372) ..... 502

03-14. S. Report introduction and adoption of Senate amendment 1 to Senate substitute amendment 1 recommended by committee on Judiciary and Consumer Affairs, Ayes 5, Noes 0 (LRB a1776) 502

03-14. S. Report introduction and adoption of Senate amendment 2 to Senate substitute amendment 1 recommended by committee on Judiciary and Consumer Affairs, Ayes 5, Noes 0 (LRB a1800) 502

03-14. S. Report introduction and adoption of Senate amendment 3 to Senate substitute amendment 1 recommended by committee on Judiciary and Consumer Affairs, Ayes 5, Noes 0 (LRB a1815) 502

03-14. S. Report introduction and adoption of Senate amendment 4 to Senate substitute amendment 1 recommended by committee on Judiciary and Consumer Affairs, Ayes 5, Noes 0 (LRB a1790) 502

03-14. S. Report introduction and adoption of Senate amendment 5 to Senate substitute amendment 1 recommended by committee on Judiciary and Consumer Affairs, Ayes 5, Noes 0 (LRB a1818) 502

03-14. S. Report Senate substitute amendment 1 adoption recommended by committee on Judiciary and Consumer Affairs, Ayes 5, Noes 0 ..... 502

03-14. S. Report passage as amended recommended by committee on Judiciary and Consumer Affairs, Ayes 5, Noes 0 ..... 502

03-14. S. Available for scheduling.

03-14. S. Rules suspended and taken up ..... 502

03-14. S. Read a second time ..... 503

03-14. S.	Referred to joint committee on Finance .....	503
03-14. S.	Withdrawn from joint committee on Finance and taken up .....	503
03-14. S.	Senate amendment 1 to Senate substitute amendment 1 <b>adopted</b> .....	503
03-14. S.	Senate amendment 2 to Senate substitute amendment 1 <b>adopted</b> .....	503
03-14. S.	Senate amendment 3 to Senate substitute amendment 1 <b>adopted</b> .....	503
03-14. S.	Senate amendment 4 to Senate substitute amendment 1 <b>adopted</b> .....	503
03-14. S.	Senate amendment 5 to Senate substitute amendment 1 <b>adopted</b> .....	503
03-14. S.	Senate substitute amendment 1 <b>adopted</b> .....	503
03-14. S.	Ordered to a third reading .....	503
03-14. S.	Rules suspended .....	503
03-14. S.	Read a third time and <b>passed</b> , Ayes 33, Noes 0 .....	503
03-14. S.	<b>Printed engrossed</b> by the direction of the Senate Chief Clerk.	
03-14. S.	Ordered immediately messaged .....	503
03-29. A.	Received from Senate .....	868
03-29. A.	Read first time.	
03-29. A.	Rules suspended and taken up .....	868
03-29. A.	Read a second time .....	868
03-29. A.	Assembly amendment 1 offered by Representatives Stone, Foti and Ladwig ( <b>LRB a2142</b> ) .....	868
03-29. A.	Assembly amendment 1 <b>adopted</b> .....	868
03-29. A.	Representative Stone added as a cosponsor .....	868
03-29. A.	LRB correction (Senate substitute amendment 1) .....	893
03-29. A.	LRB correction (Senate substitute amendment 1) .....	893
03-29. A.	LRB correction (Senate amendment 4 to Senate substitute amendment 1) .....	893
03-29. A.	Representative Black added as a cosponsor .....	868
03-29. A.	Ordered to a third reading .....	868
03-29. A.	Rules suspended .....	868
03-29. A.	Read a third time and <b>concurred in</b> as amended, Ayes 95, Noes 3 .....	868
03-29. A.	Ordered immediately messaged .....	869
03-29. S.	Received from Assembly amended and concurred in as amended, Assembly amendment 1 adopted	553
03-29. S.	Available for scheduling.	
03-30. S.	Rules suspended and taken up.	
03-30. S.	Placed after Assembly Bill 704 on the calendar of 3-30-2000.	
03-30. S.	Senator Moore added as a coauthor.	
03-30. S.	Assembly amendment 1 <b>concurred in</b> .	
03-30. S.	Action ordered immediately messaged.	

1999  
ENROLLED BILL

99en SB-125

ADOPTED DOCUMENTS:

☐ Orig ☒ Engr ☐ SubAmdt

99 - 4798, 1

Amendments to above (if none, write "NONE"):

AA 1

Corrections - show date (if none, write "NONE"):

In enrolling delete comma item # 43 + 44  
4-5-2000

Topic

Enforcement and prevention of  
~~Operating~~ Operating a motor vehicle  
while under the influence of an  
~~intoxicant~~ intoxicant or drug

Date

4/4/01

Enrolling Drafter

John J. [Signature]

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**ENGROSSED 1999 SENATE BILL 125**

March 14, 2000 - Printed by direction of SENATE CHIEF CLERK.

1     **AN ACT** *to repeal* 343.30 (1q) (b) 5., 343.305 (10) (b) 5., 343.31 (3) (bm) 5., 346.65  
2       (6) (a) 2., 346.65 (6) (m) and 347.413 (2); *to renumber and amend* 940.09 (1d)  
3       and 940.25 (1d); *to amend* 20.435 (6) (hx), 125.07 (4) (bs) 2., 125.07 (4) (bs) 3.  
4       and 4., 125.07 (4) (c) 2., 125.07 (4) (c) 3. and 4., 125.07 (4) (e) 2. (intro.), 340.01  
5       (46m) (b), 342.12 (4) (a), 342.12 (4) (b), 342.12 (4) (c) 1. (intro.), 343.10 (5) (a) 3.,  
6       343.23 (2) (b), 343.30 (1q) (b) 3., 343.30 (6) (b) (intro.), 343.305 (10) (b) 3.,  
7       343.305 (10m), 343.31 (3) (bm) 3., 346.63 (2m), 346.65 (2) (b), 346.65 (2) (c),  
8       346.65 (2) (d), 346.65 (2) (e), 346.65 (2c), 346.65 (2e), 346.65 (2g) (a), 346.65 (2g)  
9       (b), 346.65 (2g) (c), 346.65 (2j) (b), 346.65 (2w), 346.65 (6) (a) 1., 346.65 (6) (a)  
10      1., 346.65 (6) (a) 2m., 346.65 (6) (a) 3., 346.65 (6) (b), 346.65 (6) (c), 346.65 (6)  
11      (d), 346.65 (6) (f), 346.65 (6) (k), 346.65 (6) (km), 346.655 (1), 346.655 (2) (a),  
12      346.655 (2) (b), 346.95 (2), 347.413 (1), 347.417 (1), 347.417 (2), 800.03 (4),  
13      938.344 (2) (b), 938.344 (2) (c), 938.344 (2b) (b) and 938.344 (2b) (c); and *to*  
14      *create* 20.395 (5) (ek), 51.30 (4) (b) 25., 85.55, 110.10, 303.065 (2m), 303.08 (1)

**ENGROSSED SENATE BILL 125**

1 (cg), 303.08 (1) (cm), 303.08 (10m), 340.01 (46m) (c), 343.301, 346.65 (2) (g),  
2 346.65 (2g) (ag), 346.93 (2f), 346.93 (2g), 940.09 (1d) (a) and 940.25 (1d) (a) of  
3 the statutes; **relating to:** operating a motor vehicle while under the influence  
4 of an intoxicant or drugs, or both; immobilization of, installation of an ignition  
5 interlock device on or seizure of motor vehicles for offenses related to driving  
6 while under the influence of an intoxicant; absolute sobriety for repeat drunken  
7 drivers; restrictions on prisoner release from jail or prison; creating a safe-ride  
8 grant program; creating an ignition interlock device program; counting drunk  
9 driving offenses; pretrial intoxicated driver intervention grants; requiring a  
10 report on incarceration alternatives and ignition interlock devices; certain  
11 alcohol beverage offenses committed by persons under the legal drinking age;  
12 granting rule-making authority; making appropriations; and providing  
13 penalties.

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***Analysis by the Legislative Reference Bureau******Engrossment information:***

The text of Engrossed 1999 Senate Bill 125 consists of the following documents adopted in the senate on March 14, 2000: Senate Substitute Amendment 1, as affected by the following Senate Amendments: Senate Amendment 1, Senate Amendment 2, Senate Amendment 3, Senate Amendment 4 and Senate Amendment 5. The text also includes the March 15, 2000, chief clerk's correction to Senate Substitute Amendment 1 and the March 21, 2000, chief clerk's correction to that substitute amendment.

Certain of these amendments affect the same text. In this bill, the amendments are reconciled as follows:

1. Senate Amendment 1 and Senate Amendment 2 affect SECTION 90 (2) of the bill, dealing with the initial applicability. This bill reflects the effect of both of those amendments.

2. Senate Amendment 1, Senate Amendment 2 and Senate Amendment 4 affect SECTION 90 (3) of the bill, dealing with the initial applicability. This bill reflects the effect of all of those amendments.

**ENGROSSED SENATE BILL 125**

3. Senate Amendment 1, Senate Amendment 2 and Senate Amendment 4 affect SECTION 91 (2) of the bill, dealing with the effective date. This bill reflects the effect of all of those amendments.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 20.395 (5) (ek) of the statutes is created to read:

2           20.395 (5) (ek) *Safe-ride grant program; state funds.* From the general fund,  
3 all moneys transferred from the appropriation account under s. 20.435 (6) (hx) for the  
4 purpose of awarding grants under s. 85.55.

5           **SECTION 2.** 20.435 (6) (hx) of the statutes, as affected by 1999 Wisconsin Act 9,  
6 is amended to read:

7           20.435 (6) (hx) *Services related to drivers, receipts.* The amounts in the  
8 schedule for services related to drivers. All moneys received by the state treasurer  
9 from the driver improvement surcharge on court fines and forfeitures authorized  
10 under s. 346.655 and all moneys transferred from the appropriation account under  
11 s. 20.395 (5) (di) shall be credited to this appropriation. The secretary of  
12 administration shall annually transfer to the appropriation account under s. 20.395  
13 (5) (ek) 3.76% of all moneys credited to this appropriation from the driver  
14 improvement surcharge. Any unencumbered moneys in this appropriation account  
15 may be transferred to sub. (7) (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5)  
16 (ci) and (di) and 20.455 (5) (h) by the secretary of administration after consultation  
17 with the secretaries of health and family services and transportation, the  
18 superintendent of public instruction, the attorney general and the president of the  
19 university of Wisconsin system.

20           **SECTION 3.** 51.30 (4) (b) 25. of the statutes is created to read:

**ENGROSSED SENATE BILL 125****SECTION 3**

1           51.30 (4) (b) 25. To the department of corrections or to a sheriff, to determine  
2 if a person incarcerated is complying with the assessment or the driver safety plan  
3 ordered under s. 343.30 (1q) (c).

4           **SECTION 4.** 85.55 of the statutes is created to read:

5           **85.55 Safe-ride grant program.** The department may award grants to any  
6 county or municipality or to any nonprofit corporation, as defined in s. 46.93 (1m) (c),  
7 to cover the costs of transporting persons suspected of having a prohibited alcohol  
8 concentration, as defined in s. 340.01 (46m), from any premises licensed under ch.  
9 125 to sell alcohol beverages to their places of residence. The amount of a grant under  
10 this section may not exceed 50% of the costs necessary to provide the service. The  
11 liability of a provider of a safe-ride program to persons transported under the  
12 program is limited to the amounts required for an automobile liability policy under  
13 s. 344.15 (1). Grants awarded under this section shall be paid from the appropriation  
14 under s. 20.395 (5) (ek).

15           **SECTION 6.** 110.10 of the statutes is created to read:

16           **110.10 Ignition interlock device program.** The department shall  
17 promulgate rules providing for the implementation of an ignition interlock device  
18 program that will be conveniently available to persons throughout this state. The  
19 rules shall include provisions regarding all of following:

20           (1) The selection of persons to install, service and remove ignition interlock  
21 devices from motor vehicles.

22           (2) The periodic review of the fees charged to the owner of a vehicle for the  
23 installation, service and removal of an ignition interlock device.

24           (3) Requiring ignition interlock device providers operating in this state to  
25 establish pilot programs involving the voluntary use of ignition interlock devices.

**ENGROSSED SENATE BILL 125**

1           (4) Requiring ignition interlock device providers operating in this state to  
2 provide the department and law enforcement agencies designated by the department  
3 with installation, service, tampering and failure reports in a timely manner.

4           (5) Requiring ignition interlock device providers to notify the department of  
5 any ignition interlock device tampering, circumvention, bypass or violation resets,  
6 including all relevant data recorded in the device's memory. Upon receiving notice  
7 described in this subsection, the department shall immediately provide the notice  
8 and data to the assessment agency that is administering the violator's driver safety  
9 plan.

10           **SECTION 7.** 125.07 (4) (bs) 2. of the statutes is amended to read:

11           125.07 (4) (bs) 2. For a violation committed within 12 months of ~~a one~~ previous  
12 violation, either a forfeiture of not less than \$300 nor more than \$500, ~~suspension~~  
13 ~~of the person's operating privilege as provided under s. 343.30 (6) (b) 2.,~~ participation  
14 in a supervised work program or other community service work under par. (cg) or any  
15 combination of these penalties. In addition, the person's operating privilege may be  
16 suspended as provided under s. 343.30 (6) (b) 2., except that if the violation of par.  
17 (a) involved a motor vehicle the person's operating privilege shall be suspended as  
18 provided under s. 343.30 (6) (b) 2.

19           **SECTION 8.** 125.07 (4) (bs) 3. and 4. of the statutes, as affected by 1997  
20 Wisconsin Act 84, are amended to read:

21           125.07 (4) (bs) 3. For a violation committed within 12 months of 2 previous  
22 violations, either a forfeiture of not less than \$500 nor more than \$750, ~~suspension~~  
23 ~~of the person's operating privilege under s. 343.30 (6) (b) 3.,~~ participation in a  
24 supervised work program or other community service work under par. (cg) or any  
25 combination of these penalties. In addition, the person's operating privilege may be



## ENGROSSED SENATE BILL 125

## SECTION 8

1 suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par.  
2 (a) involved a motor vehicle the person's operating privilege shall be suspended as  
3 provided under s. 343.30 (6) (b) 3.

4 4. For a violation committed within 12 months of 3 or more previous violations,  
5 either a forfeiture of not less than \$750 nor more than \$1,000, ~~suspension of the~~  
6 ~~person's operating privilege under s. 343.30 (6) (b) 3.,~~ participation in a supervised  
7 work program or other community service work under par. (cg) or any combination  
8 of these penalties. In addition, the person's operating privilege may be suspended  
9 as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (a) involved  
10 a motor vehicle the person's operating privilege shall be suspended as provided  
11 under s. 343.30 (6) (b) 3.

12 **SECTION 9.** 125.07 (4) (c) 2. of the statutes is amended to read:

13 125.07 (4) (c) 2. For a violation committed within 12 months of a one previous  
14 violation, either a forfeiture of not less than \$200 nor more than \$300, ~~suspension~~  
15 ~~of the person's operating privilege as provided under s. 343.30 (6) (b) 2.,~~ participation  
16 in a supervised work program or other community service work under par. (cg) or any  
17 combination of these penalties. In addition, the person's operating privilege may be  
18 suspended as provided under s. 343.30 (6) (b) 2., except that if the violation of par.  
19 (b) involved a motor vehicle the person's operating privilege shall be suspended as  
20 provided under s. 343.30 (6) (b) 2.

21 **SECTION 10.** 125.07 (4) (c) 3. and 4. of the statutes, as affected by 1997  
22 Wisconsin Act 84, are amended to read:

23 125.07 (4) (c) 3. For a violation committed within 12 months of 2 previous  
24 violations, either a forfeiture of not less than \$300 nor more than \$500, ~~suspension~~  
25 ~~of the person's operating privilege under s. 343.30 (6) (b) 3.,~~ participation in a

**ENGROSSED SENATE BILL 125**

1 supervised work program or other community service work under par. (cg) or any  
2 combination of these penalties. In addition, the person's operating privilege may be  
3 suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par.  
4 (b) involved a motor vehicle the person's operating privilege shall be suspended as  
5 provided under s. 343.30 (6) (b) 3.

6 4. For a violation committed within 12 months of 3 or more previous violations,  
7 either a forfeiture of not less than \$500 nor more than \$1,000, ~~suspension of the~~  
8 ~~person's operating privilege under s. 343.30 (6) (b) 3.,~~ participation in a supervised  
9 work program or other community service work under par. (cg) or any combination  
10 of these penalties. In addition, the person's operating privilege may be suspended  
11 as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (b) involved  
12 a motor vehicle the person's operating privilege shall be suspended as provided  
13 under s. 343.30 (6) (b) 3.

14 **SECTION 11.** 125.07 (4) (e) 2. (intro.) of the statutes is amended to read:

15 125.07 (4) (e) 2. (intro.) After ordering a penalty under par. (bs) or (c), the court,  
16 with the agreement of the defendant, may enter an additional order staying the  
17 execution of the penalty order and suspending or modifying the penalty imposed,  
18 except that the court may not stay, suspend or modify the suspension of a person's  
19 operating privilege required under par. (bs) or (c). The order under this subdivision  
20 shall require the defendant to do any of the following:

21 **SECTION 13.** 303.065 (2m) of the statutes is created to read:

22 303.065 (2m) The department may not grant work release privileges to a  
23 prisoner who is imprisoned for a violation of s. 346.63 (1), (2), (5) or (6) and who fails  
24 to obtain the assessment or to comply with the driver safety plan ordered under s.  
25 343.30 (1q) (c) related to the violation for which he or she was imprisoned. This

**ENGROSSED SENATE BILL 125****SECTION 13**

1 subsection does not apply if the prisoner does not have sufficient funds to make any  
2 payments necessary to obtain the assessment or to comply with the driver safety  
3 plan.

4 **SECTION 14.** 303.08 (1) (cg) of the statutes is created to read:

5 303.08 (1) (cg) Attendance at an assessment ordered by a court under s. 343.30  
6 (1q) (c);

7 **SECTION 15.** 303.08 (1) (cm) of the statutes is created to read:

8 303.08 (1) (cm) Attendance at a treatment program required by a driver safety  
9 plan under s. 343.30 (1q) (c);

10 **SECTION 16.** 303.08 (10m) of the statutes is created to read:

11 303.08 (10m) The sheriff may not permit a prisoner who is imprisoned for a  
12 violation of s. 346.63 (1), (2), (5) or (6) to leave the jail under sub. (1) if the prisoner  
13 fails to obtain the assessment or to comply with the driver safety plan ordered under  
14 s. 343.30 (1q) (c). This subsection does not apply if the prisoner does not have  
15 sufficient funds to make any payments necessary to obtain the assessment or to  
16 comply with the driver safety plan.

17 **SECTION 16d.** 340.01 (46m) (b) of the statutes is amended to read:

18 340.01 (46m) (b) If the person has 2 ~~or more~~ prior convictions, suspensions or  
19 revocations, as counted under s. 343.307 (1), an alcohol concentration of 0.08 or more.

20 **SECTION 16e.** 340.01 (46m) (c) of the statutes is created to read:

21 340.01 (46m) (c) If the person has 3 or more prior convictions, suspensions or  
22 revocations, as counted under s. 343.307 (1), an alcohol concentration of more than  
23 0.02.

24 **SECTION 16m.** 342.12 (4) (a) of the statutes is amended to read:

## ENGROSSED SENATE BILL 125

## SECTION 16m

✓ plain  
AAI

1           342.12 (4) (a) The district attorney shall notify the department when he or she  
2 files a criminal complaint against a person who has been arrested for violating s.  
3 346.63 (1) or (2), 940.09 (1) or 940.25 and who has ~~2~~ or more prior convictions,  
4 suspensions or revocations, as counted under s. 343.307 (1). Except as provided  
5 under par. (c), the department may not issue a certificate of title transferring  
6 ownership of any the motor vehicle owned by the person and involved in the violation  
7 upon receipt of a notice under this subsection until the court assigned to hear the  
8 criminal complaint issues an order permitting the department to issue a certificate  
9 of title.

10           **SECTION 16p.** 342.12 (4) (b) of the statutes is amended to read:

11           342.12 (4) (b) Except as provided under par. (c), the department may not issue  
12 a certificate of title transferring ownership of any the motor vehicle owned by a  
13 person and involved in the violation upon receipt of a notice of intent to revoke the  
14 person's operating privilege under s. 343.305 (9) (a), if the person has ~~2~~ 3 or more  
15 prior convictions, suspensions or revocations, as counted under s. 343.307 (1), until  
16 the court assigned to the hearing under s. 343.305 (9) issues an order permitting the  
17 department to issue a certificate of title.

18           **SECTION 16r.** 342.12 (4) (c) 1. (intro.) of the statutes is amended to read:

19           342.12 (4) (c) 1. (intro.) The department shall issue a certificate of title  
20 transferring ownership of a motor vehicle that was ~~owned by a person who has~~  
21 ~~received a notice of intent to revoke the person's operating privilege under s. 343.305~~  
22 ~~(9) (a) or has been arrested for violating s. 346.63 (1) or (2), 940.09 (1) or 940.25 and~~  
23 ~~who has 2 or more prior convictions, suspensions or revocations, as counted under~~  
24 ~~s. 343.307 (1),~~ subject to the restrictions under par. (a) or (b) if all of the following  
25 conditions are met:

**ENGROSSED SENATE BILL 125****SECTION 17**

1       **SECTION 17.** 343.10 (5) (a) 3. of the statutes is amended to read:

2       343.10 (5) (a) 3. If the applicant has 2 or more prior convictions, suspensions  
3       or revocations, as counted under s. 343.307 (1), the occupational license of the  
4       applicant shall restrict the applicant's operation under the occupational license to  
5       vehicles that are equipped with a functioning ignition interlock device if the court  
6       has ordered under s. 346.65 (6) (a) 1., 1997 stats., that a motor vehicle owned by the  
7       person be equipped with an ignition interlock device. A person to whom a restriction  
8       under this subdivision applies violates that restriction if he or she requests or  
9       permits another to blow into an ignition interlock device or to start a motor vehicle  
10      equipped with an ignition interlock device for the purpose of providing the person an  
11      operable motor vehicle without the necessity of first submitting a sample of his or her  
12      breath to analysis by the ignition interlock device. If the occupational license  
13      restricts the applicant's operation to a vehicle that is equipped with an ignition  
14      interlock device, the applicant shall be liable for the reasonable costs of equipping  
15      the vehicle with the ignition interlock device.

16      **SECTION 19.** 343.23 (2) (b) of the statutes is amended to read:

17      343.23 (2) (b) The information specified in par. (a) must be filed by the  
18      department so that the complete operator's record is available for the use of the  
19      secretary in determining whether operating privileges of such person shall be  
20      suspended, revoked, canceled or withheld in the interest of public safety. The record  
21      of suspensions, revocations and convictions that would be counted under s. 343.307  
22      (2) shall be maintained ~~for 10 years, except that if there are 2 or more suspensions,~~  
23      ~~revocations or convictions within any 10-year period, the record shall be maintained~~  
24      permanently. The record of convictions for disqualifying offenses under s. 343.315  
25      (2) (h) shall be maintained for at least 10 years. The record of convictions for

## ENGROSSED SENATE BILL 125

## SECTION 19

1 disqualifying offenses under s. 343.315 (2) (f) shall be maintained for at least 3 years.  
2 The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall  
3 be maintained permanently, except that 5 years after a licensee transfers residency  
4 to another state such record may be transferred to another state of licensure of the  
5 licensee if that state accepts responsibility for maintaining a permanent record of  
6 convictions for disqualifying offenses. Such reports and records may be cumulative  
7 beyond the period for which a license is granted, but the secretary, in exercising the  
8 power of suspension or revocation granted under s. 343.32 (2) may consider only  
9 those reports and records entered during the 4-year period immediately preceding  
10 the exercise of such power of suspension or revocation.

11 **SECTION 22.** 343.30 (1q) (b) 3. of the statutes is amended to read:

12 343.30 (1q) (b) 3. Except as provided in subd. 4m., if the number of convictions  
13 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other  
14 convictions, suspensions and revocations counted under s. 343.307 (1) within a  
15 10-year period, equals 2, the court shall revoke the person's operating privilege for  
16 not less than one year nor more than 18 months. After the first 60 days of the  
17 revocation period, the person is eligible for an occupational license under s. 343.10  
18 if he or she has completed the assessment and is complying with the driver safety  
19 plan ordered under par. (c).

20 ~~**SECTION 23.** 343.30 (1q) (b) 5. of the statutes is repealed~~

21 **SECTION 25.** 343.30 (6) (b) (intro.) of the statutes, as affected by 1997 Wisconsin  
22 Act 84, is amended to read:

23 343.30 (6) (b) (intro.) If a court imposes suspension of a person's operating  
24 privilege under s. 125.07 (4) (bs) or (c), 346.93 (2f) or (2g) or 938.344 (2), (2b) or (2d),  
25 the suspension imposed shall be one of the following:

## ENGROSSED SENATE BILL 125

## SECTION 26

1 SECTION 26. 343.301 of the statutes is created to read:

2 343.301 Installation of ignition interlock device or immobilization of  
3 a motor vehicle. (1) IGNITION INTERLOCK. (a) If a person improperly refuses to take  
4 a test under s. 343.305 or violates s. 346.63 (1) or (2), 940.09 (1) or 940.25, and the  
5 ~~person has one or more prior suspensions, revocations or convictions that would be~~  
6 counted under s. 343.307 (1), the court may order that the person's operating  
7 privilege for the operation of "Class D" vehicles be restricted to operating "Class D"  
8 vehicles that are equipped with an ignition interlock device.

9 (b) The court may restrict the operating privilege restriction under par. (a) for  
10 a period of not less than one year nor more than the maximum operating privilege  
11 revocation period permitted for the refusal or violation.

12 (c) If the court restricts the person's operating privilege under par. (a), the  
13 person shall be liable for the reasonable cost of equipping and maintaining any  
14 ignition interlock device installed in his or her motor vehicle.

15 (d) A person to whom a restriction under this subsection applies violates that  
16 restriction if he or she requests or permits another to blow into an ignition interlock  
17 device or to start a motor vehicle equipped with an ignition interlock device for the  
18 purpose of providing the person an operable motor vehicle without the necessity of  
19 first submitting a sample of his or her breath to analysis by the ignition interlock  
20 device.

21 (2) IMMOBILIZATION. (a) If a person improperly refuses to take a test under s.  
22 343.305 or violates s. 346.63 (1) or (2), 940.09 (1) or 940.25, and the person has one  
23 ~~or more prior suspensions, revocations or convictions that would be counted under~~  
24 s. 343.307 (1), the court may order that the motor vehicle used during the refusal or  
25 violation and owned by the person be immobilized.

12-5 (AAI)

a total of AAI

12-23

(AAI)

## ENGROSSED SENATE BILL 125

## SECTION 26

1 (b) The court may order the immobilization under par. (a) for a period of not less  
2 than one year nor more than the maximum operating privilege revocation period  
3 permitted for the refusal or violation.

4 (c) If the court orders that the person's motor vehicle be immobilized, the person  
5 shall be liable for the reasonable cost of equipping and maintaining any  
6 immobilization device installed on his or her motor vehicle.

7 (d) The court shall notify the department, in a form and manner prescribed by  
8 the department, that an order to immobilize a motor vehicle has been entered. The  
9 registration records of the department shall reflect that the order has been entered  
10 against the motor vehicle and remains unexecuted. Any law enforcement officer may  
11 execute that order based on the information provided by the department. The law  
12 enforcement agency shall notify the department when an order has been executed  
13 under this paragraph and the department shall amend its vehicle registration  
14 records to reflect that notification.

15 (e) Within 10 days after immobilizing a motor vehicle under par. (d), the law  
16 enforcement agency that immobilized the vehicle shall provide notice of the  
17 immobilization to all lienholders of record. The notice shall set forth the year, make,  
18 model and vehicle identification number of the motor vehicle, where the motor  
19 vehicle is located and the reason for the immobilization.

20 **SECTION 35.** 343.305 (10) (b) 3. of the statutes is amended to read:

21 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions  
22 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other  
23 convictions, suspensions and revocations counted under s. 343.307 (2) within a  
24 10-year period, equals 2, the court shall revoke the person's operating privilege for  
25 2 years. After the first 90 days of the revocation period, the person is eligible for an



## ENGROSSED SENATE BILL 125

## SECTION 35

1 occupational license under s. 343.10 if he or she has completed the assessment and  
2 is complying with the driver safety plan.

3 ~~SECTION 36. 343.305 (10) (b) 5. of the statutes is repealed.~~

4 SECTION 38. 343.305 (10m) of the statutes is amended to read:

5 343.305 (10m) REFUSALS; SEIZURE, IMMOBILIZATION OR IGNITION INTERLOCK OF A  
6 MOTOR VEHICLE. If the person whose operating privilege is revoked under sub. (10)  
7 has 2 one or more prior convictions, suspensions or revocations, as counted under s.  
8 343.307 (1), the procedure under s. 346.65 (6) 343.301 shall be followed regarding if  
9 the court orders the immobilization, seizure and forfeiture of a motor vehicle owned  
10 by the person or the equipping of a the motor vehicle used and owned by the person  
11 with an ignition interlock device. If the person whose operating privilege is revoked

12 under sub. (10) has 2 or more prior convictions, suspensions or revocations, as  
13 counted under s. 343.307 (1), the procedure under s. 346.65 (6) shall be followed if

14 the court orders the seizure and forfeiture of the motor vehicle used and owned by  
15 the person.

16 SECTION 40. 343.31 (3) (bm) 3. of the statutes is amended to read:

17 343.31 (3) (bm) 3. Except as provided in subd. 4m., if the number of convictions  
18 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of  
19 suspensions, revocations and other convictions counted under s. 343.307 (1) within  
20 a 10-year period, equals 2, the department shall revoke the person's operating  
21 privilege for not less than one year nor more than 18 months. If an Indian tribal court  
22 in this state revokes the person's privilege to operate a motor vehicle on tribal lands  
23 for not less than one year nor more than 18 months for the conviction specified in par.  
24 (bm) (intro.), the department shall impose the same period of revocation. After the

## ENGROSSED SENATE BILL 125

## SECTION 40

1 first 60 days of the revocation period, the person is eligible for an occupational license  
2 under s. 343.10.

3 ~~SECTION 41. 343.31 (3) (bm) 5. of the statutes is repealed.~~

4 ~~SECTION 42. 346.63 (2m) of the statutes is amended to read:~~

5 ~~346.63 (2m) If a person has not attained the legal drinking age, as defined in~~  
6 ~~s. 125.02 (8m), the person may not drive or operate a motor vehicle while he or she~~  
7 ~~has an alcohol concentration of more than 0.0 but not more than 0.1. One penalty~~  
8 ~~for violation of this subsection is suspension of a person's operating privilege under~~  
9 ~~s. 343.30 (1p) (a). The person is eligible for an occupational license under s. 343.10~~  
10 ~~at any time. If a person arrested for a violation of this subsection refuses to take a~~  
11 ~~test under s. 343.305, the refusal is a separate violation and the person is subject to~~  
12 ~~revocation of the person's operating privilege under s. 343.305 (10) (em).~~

13 ~~SECTION 43. 346.65 (2) (b) of the statutes is amended to read:~~

14 ~~346.65 (2) (b) Except as provided in par. pars. (f) and (g), shall be fined not less~~  
15 ~~than \$300 \$350 nor more than \$1,000 \$1,100 and imprisoned for not less than 5 days~~  
16 ~~nor more than 6 months if the total number of prior convictions under ss. 940.09 (1)~~  
17 ~~and 940.25 in the person's lifetime, plus the total number of prior suspensions,~~  
18 ~~revocations and other convictions counted under s. 343.307 (1) within a 10-year~~  
19 ~~period, equals 2 within a 10-year period. Suspensions, revocations or convictions~~  
20 ~~arising out of the same incident or occurrence shall be counted as one.~~

21 ~~SECTION 44. 346.65 (2) (c) of the statutes is amended to read:~~

22 ~~346.65 (2) (c) Except as provided in par. pars. (f) and (g), shall be fined not less~~  
23 ~~than \$600 nor more than \$2,000 and imprisoned for not less than 30 days nor more~~  
24 ~~than one year in the county jail if the total number of suspensions, revocations and~~  
25 ~~convictions counted under s. 343.307 (1) equals 3, except that suspensions,~~

other

15-24

## ENGROSSED SENATE BILL 125

## SECTION 44

1 revocations or convictions arising out of the same incident or occurrence shall be  
2 counted as one.

3 **SECTION 45.** 346.65 (2) (d) of the statutes is amended to read:

4 346.65 (2) (d) Except as provided in par. pars. (f) and (g), shall be fined not less  
5 than \$600 nor more than \$2,000 and imprisoned for not less than 60 days nor more  
6 than one year in the county jail if the total number of suspensions, revocations and  
7 convictions counted under s. 343.307 (1) equals 4, except that suspensions,  
8 revocations or convictions arising out of the same incident or occurrence shall be

9 counted as one.

10 **SECTION 46.** 346.65 (2) (e) of the statutes is amended to read:

11 346.65 (2) (c) Except as provided in par. pars. (f) and (g), shall be fined not less  
12 than \$600 nor more than \$2,000 and imprisoned for not less than 6 months nor more  
13 than 5 years if the total number of suspensions, revocations and convictions counted  
14 under s. 343.307 (1) equals 5 or more, except that suspensions, revocations or  
15 convictions arising out of the same incident or occurrence shall be counted as one.

16 **SECTION 47.** 346.65 (2) (g) of the statutes is created to read:

17 346.65 (2) (g) 1. If a person convicted had an alcohol concentration of 0.17 to  
18 0.199, the applicable minimum and maximum fines under pars. (c) to (e) are doubled.

19 2. If a person convicted had an alcohol concentration of 0.20 to 0.249, the  
20 applicable minimum and maximum fines under pars. (c) to (e) are tripled.

21 3. If a person convicted had an alcohol concentration of 0.25 or above, the  
22 applicable minimum and maximum fines under pars. (c) to (e) are quadrupled.

23 ~~**SECTION 48.** 346.65 (2c) of the statutes is amended to read:~~

24 ~~346.65 (2c) In sub. (2) (b) to (e), the time period shall be measured from the~~  
25 ~~dates of the refusals or violations that resulted in the revocation or convictions. If~~

## ENGROSSED SENATE BILL 125

## SECTION 48

1 a person has a suspension, revocation or conviction for any offense under a local  
2 ordinance or a state statute of another state that would be counted under s. 343.307  
3 (1), that suspension, revocation or conviction shall count as a prior suspension,  
4 revocation or conviction under sub. (2) (b) to (e), as counted under s. 343.307.

5 **SECTION 49.** 346.65 (2e) of the statutes is amended to read:

6 346.65 (2e) If the court determines that a person does not have the ability to  
7 pay the costs and fine or forfeiture imposed under sub. (2) (a), (b), (c), (d), (e) ~~or~~ (f)  
8 or (g), the court may reduce the costs, fine and forfeiture imposed and order the  
9 person to pay, toward the cost of the assessment and driver safety plan imposed  
10 under s. 343.30 (1q) (c), the difference between the amount of the reduced costs and  
11 fine or forfeiture and the amount of costs and fine or forfeiture imposed under sub.  
12 (2) (a), (b), (c), (d), (e) ~~or~~ (f) or (g).

13 **SECTION 50.** 346.65 (2g) (a) of the statutes is amended to read:

14 346.65 (2g) (a) In addition to the authority of the court under s. 973.05 (3) (a)  
15 to provide that a defendant perform community service work for a public agency or  
16 a nonprofit charitable organization in lieu of part or all of a fine imposed under sub.  
17 (2) (b) to (f) (g) and except as provided in par. (ag), the court may provide that a  
18 defendant perform community service work for a public agency or a nonprofit  
19 charitable organization in lieu of part or all of a forfeiture under sub. (2) (a) or may  
20 require a person who is subject to sub. (2) to perform community service work for a  
21 public agency or a nonprofit charitable organization in addition to the penalties  
22 specified under sub. (2).

23 (am) Notwithstanding s. 973.05 (3) (b), an order under par. (a) or (ag) may only  
24 apply if agreed to by the organization or agency. The court shall ensure that the  
25 defendant is provided a written statement of the terms of the community service

**ENGROSSED SENATE BILL 125****SECTION 50**

1 order and that the community service order is monitored. Any organization or  
2 agency acting in good faith to which a defendant is assigned pursuant to an order  
3 under this subsection has immunity from any civil liability in excess of \$25,000 for  
4 acts or omissions by or impacting on the defendant. The issuance or possibility of the  
5 issuance of a community service order under this subsection does not entitle an  
6 indigent defendant who is subject to sub. (2) (a) to representation by counsel under  
7 ch. 977.

8 **SECTION 51.** 346.65 (2g) (ag) of the statutes is created to read:

9 346.65 (2g) (ag) If the court determines that a person does not have the ability  
10 to pay a fine imposed under sub. (2) (b) to (g), the court shall require the defendant  
11 to perform community service work for a public agency or a nonprofit charitable  
12 organization in lieu of paying the fine imposed or, if the amount of the fine was  
13 reduced under sub. (2e), in lieu of paying the remaining amount of the fine. Each  
14 hour of community service performed in compliance with an order under this  
15 paragraph shall reduce the amount of the fine owed by an amount determined by the  
16 court.

17 **SECTION 52.** 346.65 (2g) (b) of the statutes is amended to read:

18 346.65 (2g) (b) The court may require a person ordered to perform community  
19 service work under par. (a) or (ag), or under s. 973.05 (3) (a) if that person's fine  
20 resulted from violating s. 346.63 (2), 940.09 (1) or 940.25, to participate in community  
21 service work that demonstrates the adverse effects of substance abuse or of operating  
22 a vehicle while under the influence of an intoxicant or other drug, including working  
23 at an alcoholism treatment facility approved under s. 51.45, an emergency room of  
24 a general hospital or a driver awareness program under s. 346.637. The court may  
25 order the person to pay a reasonable fee, based on the person's ability to pay, to offset

**ENGROSSED SENATE BILL 125**

1 the cost of establishing, maintaining and monitoring the community service work  
2 ordered under this paragraph. If the opportunities available to perform community  
3 service work are fewer in number than the number of defendants eligible under this  
4 subsection, the court shall, when making an order under this paragraph, give  
5 preference to defendants who were under 21 years of age at the time of the offense.  
6 All provisions of par. (a) ~~(am)~~ apply to any community service work ordered under  
7 this paragraph.

8 **SECTION 53.** 346.65 (2g) (c) of the statutes is amended to read:

9 346.65 (2g) (c) If there was a minor passenger under 16 years of age in the  
10 motor vehicle or commercial motor vehicle at the time of the violation that gave rise  
11 to the conviction, the court may require a person ordered to perform community  
12 service work under par. (a) ~~or (ag)~~, or under s. 973.05 (3) (a) if that person's fine  
13 resulted from violating s. 346.63 (2), (5) (a) or (6) (a), 940.09 (1) or 940.25, to  
14 participate in community service work that benefits children or that demonstrates  
15 the adverse effects on children of substance abuse or of operating a vehicle while  
16 under the influence of an intoxicant or other drug. The court may order the person  
17 to pay a reasonable fee, based on the person's ability to pay, to offset the cost of  
18 establishing, maintaining and monitoring the community service work ordered  
19 under this paragraph.

20 **SECTION 54.** 346.65 (2j) (b) of the statutes is amended to read:

21 346.65 (2j) (b) Except as provided in par. (d), shall be fined not less than \$300  
22 nor more than \$1,000 and imprisoned for not less than 5 days nor more than 6 months  
23 if the total number of prior convictions under ss. 940.09 (1) and 940.25 in the person's  
24 lifetime, plus the total number of prior other convictions, suspension and revocations

AAI

## ENGROSSED SENATE BILL 125

## SECTION 54

1 counted under s. 343.307 (2) within a 10-year period, equals 2 ~~within a 10-year~~  
2 ~~period.~~

3 ~~SECTION 55.~~ 346.65 (2w) of the statutes is amended to read:

4 346.65 (2w) In determining the number of prior convictions for purposes of sub.  
5 (2j), the court shall count suspensions, revocations and convictions that would be  
6 counted under s. 343.307 (2). Revocations, suspensions and convictions arising out  
7 of the same incident or occurrence shall be counted as one. ~~The time period shall be~~  
8 ~~measured from the dates of the refusals or violations which resulted in the~~  
9 ~~revocation, suspension or convictions.~~ If a person has a suspension, revocation or  
10 conviction for any offense that is counted under s. 343.307 (2), that suspension,  
11 revocation or conviction shall count as a prior suspension, revocation or conviction  
12 ~~under this section, as counted under s. 343.307.~~

13 SECTION 56g. 346.65 (6) (a) 1. of the statutes is amended to read:

14 346.65 (6) (a) 1. ~~Except as provided in this paragraph, the~~ The court may order  
15 a law enforcement officer to seize a the motor vehicle used in the violation or  
16 improper refusal and owned by the person, or, if the motor vehicle is not ordered  
17 seized, shall order a law enforcement officer to equip the motor vehicle with an  
18 ignition interlock device or immobilize any motor vehicle owned by the person, whose  
19 operating privilege is revoked under s. 343.305 (10) or who committed a violation of  
20 s. 346.63 (1) (a), (b) or (2) (a) 1. or 2., 940.09 (1) (a), or (b), (c) or (d) or 940.25 (1) (a),  
21 (b), (c) or (d) if the person whose operating privilege is revoked under s. 343.305 (10)  
22 or who is convicted of the violation has 2 or more prior suspensions, revocations or  
23 ~~convictions that would be counted under s. 343.307 (1).~~ The court ~~shall~~ may not order  
24 a motor vehicle seized equipped with an ignition interlock device or immobilized if

20-23 AAI

## ENGROSSED SENATE BILL 125

## SECTION 56g

1 that would result in undue hardship or extreme inconvenience or would endanger  
2 the health and safety of a person.

3 **SECTION 56j.** 346.65 (6) (a) 1. of the statutes, as affected by 1999 Wisconsin Act  
4 .... (this act), is amended to read:

5 346.65 (6) (a) 1. The court may order a law enforcement officer to seize the  
6 motor vehicle used in the violation or improper refusal and owned by the person, or,  
7 if the motor vehicle is not ordered seized, shall order a law enforcement officer to  
8 equip the motor vehicle with an ignition interlock device or immobilize any motor  
9 vehicle owned by the person, whose operating privilege is revoked under s. 343.305  
10 (10) or who committed a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09  
11 (1) (a), (b), (c) or (d) or 940.25 (1) (a), (b), (c) or (d) if the person whose operating  
12 privilege is revoked under s. 343.305 (10) or who is convicted of the violation has 2  
13 or more prior suspensions, revocations or convictions that would be counted under  
14 s. 343.307 (1). The court may not order a motor vehicle seized, equipped with an  
15 ignition interlock device or immobilized if that would result in undue hardship or  
16 extreme inconvenience or would endanger the health and safety of a person.

17 **SECTION 57.** 346.65 (6) (a) 2. of the statutes is repealed.

18 **SECTION 58.** 346.65 (6) (a) 2m. of the statutes is amended to read:

19 346.65 (6) (a) 2m. A person who owns a motor vehicle subject to seizure,  
20 equipping with an ignition interlock device or immobilization under this paragraph  
21 shall surrender to the clerk of circuit court the certificate of title issued under ch. 342  
22 for every the motor vehicle owned by the person that is subject to seizure. The person  
23 shall comply with this subdivision within 5 working days after receiving notification  
24 of this requirement from the district attorney. When a district attorney receives a  
25 copy of a notice of intent to revoke the operating privilege under s. 343.305 (9) (a) of



## ENGROSSED SENATE BILL 125

SECTION 58

22-1 (AA1)

1 a person who has 2 or more prior convictions, suspensions or revocations, ~~is counted~~  
2 under s. 343.307 (1), or when a district attorney notifies the department of the filing  
3 of a criminal complaint against a person under s. 342.12 (4) (a), the district attorney  
4 shall notify the person of the requirement to surrender ~~all certificates~~ the certificate  
5 of title to the clerk of circuit court. The notification shall include the time limits for  
6 that surrender, the penalty for failure to comply with the requirement and the  
7 address of the clerk of circuit court. The clerk of circuit court shall promptly return  
8 ~~each~~ the certificate of title surrendered to the clerk of circuit court under this  
9 subdivision after stamping the certificate of title with the notation "Per section  
10 346.65 (6) of the Wisconsin statutes, ownership of this motor vehicle may not be  
11 transferred without prior court approval". Any person failing to surrender a  
12 certificate of title as required under this subdivision shall forfeit not more than \$500.

13 **SECTION 59.** 346.65 (6) (a) 3. of the statutes is amended to read:

14 346.65 (6) (a) 3. The court shall notify the department, in a form and manner  
15 prescribed by the department, that an order to ~~equip a motor vehicle with an ignition~~  
16 ~~interlock device, to immobilize a motor vehicle or to seize a motor vehicle~~ has been  
17 entered. The registration records of the department shall reflect that the order has  
18 been entered against the vehicle and remains unexecuted. Any law enforcement  
19 officer may execute that order and shall transfer any motor vehicle ordered seized  
20 to the law enforcement agency that was originally ordered to seize the vehicle based  
21 on the information provided by the department. The law enforcement agency shall  
22 notify the department when an order has been executed under this subdivision and  
23 the department shall amend its vehicle registration records to reflect that  
24 notification.

25 **SECTION 60.** 346.65 (6) (b) of the statutes is amended to read:

## ENGROSSED SENATE BILL 125

## SECTION 60

1           346.65 (6) (b) Within 10 days after seizing ~~or immobilizing~~ a motor vehicle  
2     under par. (a), the law enforcement agency that seized ~~or immobilized~~ the vehicle  
3     shall provide notice of the seizure ~~or immobilization~~ by certified mail to the owner  
4     of the motor vehicle and to all lienholders of record. The notice shall set forth the  
5     year, make, model and serial number of the motor vehicle, where the motor vehicle  
6     is located, the reason for the seizure ~~or immobilization~~, and the forfeiture procedure  
7     if the vehicle was seized. When a motor vehicle is seized under this section, the law  
8     enforcement agency that seized the vehicle shall place the motor vehicle in a secure  
9     place subject to the order of the court.

10           **SECTION 61.** 346.65 (6) (c) of the statutes is amended to read:

11           346.65 (6) (c) The district attorney of the county where the motor vehicle was  
12     seized, or where the owner improperly refused to take the test under s. 343.305 or  
13     violated s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or (d) or 940.25  
14     (1) (a), (b), (c) or (d), shall commence an action to forfeit the motor vehicle within 30  
15     days after the motor vehicle is seized. The action shall name the owner of the motor  
16     vehicle and all lienholders of record as parties. The forfeiture action shall be  
17     commenced by filing a summons, complaint and affidavit of the law enforcement  
18     agency with the clerk of circuit court. Upon service of an answer, the action shall be  
19     set for hearing within 60 days after the service of the answer. If no answer is served  
20     or no issue of law or fact joined and the time for that service or joining of issues has  
21     expired, the court may render a default judgment as provided in s. 806.02.

22           **SECTION 62.** 346.65 (6) (d) of the statutes is amended to read:

23           346.65 (6) (d) At the hearing set under par. (c), the state has the burden of  
24     proving to a reasonable certainty by the greater weight of the credible evidence that  
25     the motor vehicle seized under par. (a) 1. is a motor vehicle used in the violation or

## ENGROSSED SENATE BILL 125

## SECTION 62

24-4 (AAI)

1 the improper refusal and owned by a person who committed a violation of s. 346.63  
2 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or (d) or 940.25 (1) (a), (b), (c) or  
3 (d) and, ~~if the seizure is under par. (a) 1.~~ that the person had 2 or more prior  
4 convictions, suspensions or revocations, ~~as counted under s. 343.307 (1) or, if the~~  
5 seizure is under par. (a) 2., ~~3 or more prior convictions, suspensions or revocations,~~  
6 ~~as counted under s. 343.307 (1).~~ If the, (c) or (d), (c) or (d) state fails to meet the  
7 burden of proof required under this paragraph, the motor vehicle shall be returned  
8 to the owner upon the payment of storage costs.

9 **SECTION 62b.** 346.65 (6) (f) of the statutes is amended to read:

10 346.65 (6) (f) If a motor vehicle forfeited and sold under this subsection is owned  
11 ~~in whole or~~ in part by a person other than the person who committed the violation  
12 or refusal under par. (a), any moneys remaining from the sale, after making any  
13 payment to the lienholders under par. (em) and as provided in par. (e) 1. to 4., shall  
14 be paid to that person to the extent of the person's interest in the motor vehicle.

15 **SECTION 62d.** 346.65 (6) (k) of the statutes is amended to read:

16 346.65 (6) (k) Except as provided in par. (km), no person may transfer  
17 ownership of any motor vehicle that is subject to ~~immobilization or seizure or to~~  
18 ~~equipping with an ignition interlock device~~ under this subsection or make  
19 application for a new certificate of title under s. 342.18 for the motor vehicle unless  
20 the court determines that the transfer is in good faith and not for the purpose of or  
21 with the effect of defeating the purposes of this subsection. The department may  
22 cancel a title or refuse to issue a new certificate of title in the name of the transferee  
23 as owner to any person who violates this paragraph.

24 ~~**SECTION 62f.** 346.65 (6) (km) of the statutes is amended to read.~~

(AAI)

## ENGROSSED SENATE BILL 125

AA1  
1 346.65 (6) (km) If a person purchases a motor vehicle in good faith and without  
2 knowledge that the motor vehicle was subject to ~~immobilization or seizure or to~~  
3 ~~equipping with an ignition interlock device~~ under this subsection and the  
4 department has no valid reason for not issuing a certificate of title other than the  
5 prohibition under par. (k), the department shall issue a new certificate of title in the  
6 name of the person requesting the new certificate of title if at the time of the purchase  
7 of the motor vehicle the certificate of title did not contain the notation stamped on  
8 the certificate of title by the clerk of circuit court under par. (a) 2m. and if the person  
9 submits the affidavit required under s. 342.12 (4) (c) 1. c.

10 SECTION 62h. 346.65 (6) (m) of the statutes is repealed.

11 SECTION 63. 346.655 (1) of the statutes is amended to read:

12 346.655 (1) ~~On or after July 1, 1988, if~~ If a court imposes a fine or a forfeiture  
13 for a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or  
14 s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a  
15 vehicle, it shall impose a driver improvement surcharge in an amount of \$340 \$345  
16 in addition to the fine or forfeiture, penalty assessment, jail assessment and crime  
17 laboratories and drug law enforcement assessment.

18 SECTION 64. 346.655 (2) (a) of the statutes is amended to read:

19 346.655 (2) (a) Except as provided in par. (b), the clerk of court shall collect and  
20 transmit the amount under sub. (1) to the county treasurer as provided in s. 59.40  
21 (2) (m). The county treasurer shall then make payment of ~~37.6%~~ 38.5% of the amount  
22 to the state treasurer as provided in s. 59.25 (3) (f) 2.

23 SECTION 65. 346.655 (2) (b) of the statutes is amended to read:

24 346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall  
25 transmit the amount to the treasurer of the county, city, town or village, and that

**ENGROSSED SENATE BILL 125****SECTION 65**

1 treasurer shall make payment of ~~37.6%~~ 38.5% of the amount to the state treasurer  
2 as provided in s. 66.12 (1) (b). The treasurer of the city, town or village shall transmit  
3 the remaining ~~62.4%~~ 61.5% of the amount to the treasurer of the county.

4 **SECTION 67.** 346.93 (2f) of the statutes is created to read:

5 346.93 (2f) Except as provided in sub. (2g), any person violating this section  
6 may have his or her operating privilege suspended under s. 343.30 (6) (b) 1.

7 **SECTION 68.** 346.93 (2g) of the statutes is created to read:

8 346.93 (2g) Any person violating this section may be required to forfeit not less  
9 than \$20 nor more than \$400 and shall have his or her operating privilege:

10 (a) For a violation committed within 12 months of one previous violation,  
11 suspended under s. 343.30 (6) (b) 2.

12 (b) For a violation committed within 12 months of 2 or more previous violations,  
13 suspended under s. 343.30 (6) (b) 3.

14 **SECTION 69.** 346.95 (2) of the statutes is amended to read:

15 346.95 (2) Any person violating s. 346.89 (1), ~~346.93~~ or 346.94 (2), (4) or (7) may  
16 be required to forfeit not less than \$20 nor more than \$400.

17 **SECTION 70.** 347.413 (1) of the statutes is amended to read:

18 347.413 (1) No person may remove, disconnect, tamper with or otherwise  
19 circumvent the operation of an ignition interlock device installed in response to the  
20 court order under s. 346.65 (6), 1997 stats., or s. 343.301 (1). This subsection does  
21 not apply to the removal of an ignition interlock device upon the expiration of the  
22 order requiring the motor vehicle to be so equipped or to necessary repairs to a  
23 malfunctioning ignition interlock device by a person authorized by the department.

24 **SECTION 71.** 347.413 (2) of the statutes is repealed.

25 **SECTION 72.** 347.417 (1) of the statutes is amended to read:

## ENGROSSED SENATE BILL 125

## SECTION 72

1           347.417 (1) No person may remove, disconnect, tamper with or otherwise  
2 circumvent the operation of any immobilization device installed in response to a  
3 court order under s. 346.65 (6), 1997 stats., or s. 343.301 (2). This subsection does  
4 not apply to the removal of an immobilization device pursuant to a court order or to  
5 necessary repairs to a malfunctioning immobilization device.

6           **SECTION 73.** 347.417 (2) of the statutes is amended to read:

7           347.417 (2) The department shall design a warning label which shall be affixed  
8 by the owner of each immobilization device before the device is used to immobilize  
9 any motor vehicle under s. ~~346.65 (6)~~ 343.301 (2). The label shall provide notice of  
10 the penalties for removing, disconnecting, tampering with or otherwise  
11 circumventing the operation of the immobilization device.

12           **SECTION 77m.** 800.03 (4) of the statutes is amended to read:

13           800.03 (4) Notwithstanding sub. (1), a court appearance is may be required by  
14 a municipality for a violation of a local ordinance in conformity with s. 346.63 (1).  
15 If a person fails to make a required appearance under this subsection and the judge  
16 issues an arrest warrant, the law enforcement agency which filed or transmitted the  
17 uniform traffic citation shall file a detailed description of the warrant with the  
18 department of justice.

19           **SECTION 80.** 938.344 (2) (b) of the statutes is amended to read:

20           938.344 (2) (b) For a violation committed within 12 months of a one previous  
21 violation, a forfeiture of not more than \$100, ~~suspension of the juvenile's operating~~  
22 ~~privilege as provided under s. 343.30 (6) (b) 2.~~ or the juvenile's participation in a  
23 supervised work program or other community service work under s. 938.34 (5g). In  
24 addition, the juvenile's operating privilege may be suspended as provided under s.  
25 343.30 (6) (b) 2., except that if the violation of s. 125.07 (4) (b) involved a motor vehicle

## ENGROSSED SENATE BILL 125

1 the juvenile's operating privilege shall be suspended as provided under s. 343.30 (6)

2 (b) 2.

3 **SECTION 81.** 938.344 (2) (c) of the statutes, as affected by 1997 Wisconsin Act  
4 84, is amended to read:

5 938.344 (2) (c) For a violation committed within 12 months of 2 or more  
6 previous violations, a forfeiture of not more than \$500, ~~suspension of the juvenile's~~  
7 ~~operating privilege as provided under s. 343.30 (6) (b) 3.~~ or the juvenile's  
8 participation in a supervised work program or other community service work under  
9 s. 938.34 (5g). In addition, the juvenile's operating privilege may be suspended as  
10 provided under s. 343.30 (6) (b) 3., except that if the violation of s. 125.07 (4) (b)  
11 involved a motor vehicle the juvenile's operating privilege shall be suspended as  
12 provided under s. 343.30 (6) (b) 3.

13 **SECTION 82.** 938.344 (2b) (b) of the statutes is amended to read:

14 938.344 (2b) (b) For a violation committed within 12 months of a ~~one~~ previous  
15 violation, a forfeiture of not less than \$300 nor more than \$500, ~~suspension of the~~  
16 ~~juvenile's operating privilege as provided under s. 343.30 (6) (b) 2.~~ or the juvenile's  
17 participation in a supervised work program or other community service work under  
18 s. 938.34 (5g). In addition, the juvenile's operating privilege may be suspended as  
19 provided under s. 343.30 (6) (b) 2., except that if the violation involved a motor vehicle  
20 the juvenile's operating privilege shall be suspended as provided under s. 343.30 (6)  
21 (b) 2.

22 **SECTION 83.** 938.344 (2b) (c) of the statutes, as affected by 1997 Wisconsin Act  
23 84, is amended to read:

24 938.344 (2b) (c) For a violation committed within 12 months of 2 or more  
25 previous violations, a forfeiture of \$500, ~~suspension of the juvenile's operating~~

## ENGROSSED SENATE BILL 125

1 ~~privilege as provided under s. 343.30 (6) (b) 3.~~ or the juvenile's participation in a  
2 supervised work program or other community service work under s. 938.34 (5g). In  
3 addition, the juvenile's operating privilege may be suspended as provided under s.  
4 343.30 (6) (b) 3., except that if the violation involved a motor vehicle the juvenile's  
5 operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.

6 SECTION 84. 940.09 (1d) of the statutes is renumbered 940.09 (1d) (b) and  
7 amended to read:

8 940.09 (1d) (b) If the person who committed an offense under sub. (1) (a), (b),  
9 (c) or (d) has 2 or more prior convictions, suspensions or revocations, ~~as counted~~  
10 under s. 343.307 (1), the procedure under s. 346.65 (6) ~~may~~ shall be followed  
11 ~~regarding the immobilization or if the court orders the seizure and forfeiture of a~~  
12 ~~motor vehicle owned by the person who committed the offense or the equipping of a~~  
13 ~~motor vehicle owned by the person with an ignition interlock device.~~

14 SECTION 85. 940.09 (1d) (a) of the statutes is created to read:

15 940.09 (1d) (a) If a person who committed an offense under sub. (1) (a), (b), (c)  
16 or (d) has one or more ~~convictions, suspensions or revocations, as counted~~  
17 343.307 (1), the procedure under s. 343.301 shall be followed if the court orders the  
18 equipping of a motor vehicle owned by the person with an ignition interlock device  
19 or the immobilization of the motor vehicle.

20 SECTION 86. 940.25 (1d) of the statutes is renumbered 940.25 (1d) (b) and  
21 amended to read:

22 940.25 (1d) (b) If the person who committed the offense under sub. (1) (a), (b),  
23 (c) or (d) has 2 or more prior convictions, suspensions or revocations, ~~as counted~~  
24 under s. 343.307 (1), the procedure under s. 346.65 (6) ~~may~~ shall be followed  
25 ~~regarding the immobilization or if the court orders the seizure and forfeiture of a~~



**ENGROSSED SENATE BILL 125****SECTION 86**

1 motor vehicle owned by the person who committed the offense or the equipping of a  
2 ~~motor vehicle owned by the person with an ignition interlock device.~~ ✓

3 **SECTION 87.** 940.25 (1d) (a) of the statutes is created to read:

4 940.25 (1d) (a) If a person who committed an offense under sub. (1) (a), (b), (c)  
5 or (d) has one or more prior convictions, suspensions or revocations, as counted under  
6 s. 343.307 (1), the procedure under s. 343.301 shall be followed if the court orders the  
7 the equipping of a motor vehicle owned by the person with an ignition interlock  
8 device or the immobilization of the motor vehicle.

9 **SECTION 88. Nonstatutory provisions.**

10 (1) The departments of corrections, health and family services and  
11 transportation shall jointly study and evaluate the desirability of using treatment  
12 programs and other alternatives to incarceration as a way to reduce the length of  
13 incarceration or the need for incarceration of persons convicted of a 2nd or  
14 subsequent violation of operating a motor vehicle while under the influence on an  
15 intoxicant, controlled substance or other drug. The departments shall consult with  
16 the counties regarding this study and evaluation. No later than the first day of the  
17 9th month beginning after the effective date of this subsection, the departments shall  
18 jointly submit a report to the legislature in the manner provided under section  
19 13.172 (2) of the statutes that contains the conclusions of the departments' study and  
20 evaluation and any recommendations concerning implementation of the  
21 conclusions.

22 (2) The department of transportation and the department of health and family  
23 services shall study jointly and evaluate the effectiveness of using ignition interlock  
24 devices and vehicle immobilization as methods of reducing the prevalence of drunk  
25 driving and the recidivism of drunk-driving offenders. The departments shall

**ENGROSSED SENATE BILL 125**

1 consult with the counties, the law enforcement agencies, the courts and the providers  
2 of services to alcohol abusers regarding this study and evaluation. No later than the  
3 first day of the 24th month beginning after the effective date of section 343.301 of the  
4 statutes, as created in this act, the department shall submit a report to the  
5 legislature in the manner provided under section 13.172 (2) of the statutes that  
6 contains the conclusions of the departments' study and evaluation and any  
7 recommendations concerning implementation of the conclusions.

8 (3) The department of transportation shall submit in proposed form the rules  
9 required under section 110.10 of the statutes, as created by this act, to the legislative  
10 council staff under section 227.15 (1) of the statutes no later than February 1, 2001,  
11 and shall promulgate the rules no later than November 30, 2001, unless action by  
12 the legislature under chapter 227 of the statutes prevents the department from  
13 meeting this deadline.

**SECTION 89. Appropriation changes.**

14  
15 (1) PRETRIAL INTOXICATED DRIVER INTERVENTION GRANTS. In the schedule under  
16 section 20.005 (3) of the statutes for the appropriation to the department of  
17 transportation under section 20.395 (5) (jr) of the statutes, as affected by the acts of  
18 1999, the dollar amount is increased by \$314,700 for fiscal year 2000–01 to provide  
19 additional funding for grants under the pretrial intoxicated driver intervention  
20 grant program.

**SECTION 90. Initial applicability.**

21  
22 (1) MANDATORY OPERATING PRIVILEGE SUSPENSIONS. The treatment of sections  
23 125.07 (4) (bs) 2., 3. and 4., (c) 2., 3. and 4. and (e) 2. (intro.), 343.30 (6) (b) (intro.),  
24 346.93 (2g), 346.95 (2) and 938.344 (2) (b) and (c) and (2b) (b) and (c) of the statutes  
25 first applies to violations committed on the effective date of this subsection, but does

## ENGROSSED SENATE BILL 125

## SECTION 90

not preclude the counting of other violations as prior violations for sentencing a person or for suspending or revoking a person's operating privilege.

(2) INTOXICATED DRIVER PROGRAMS. The treatment of sections 340.01 (46m) (b) and (c), 343.23 (2) (b), 343.30 (1q) (b) 3., 343.305 (10) (b) 3. and 5., 343.31 (3) (bm) 3.

and 5., 346.63 (2m), 346.65 (2) (b), (c), (d), (e) and (g), (2c), (2e), (2g) (a), (ag), (b) and (c), (2j) (b) and (2w) of the statutes first applies to violations committed or refusals

occurring on the effective date of this subsection, but does not preclude the counting of other convictions, suspensions or revocations as prior convictions, suspensions or revocations for purposes of administrative action by the department of transportation, sentencing by a court or determining the prohibited alcohol concentration.

(3) IGNITION INTERLOCK AND IMMOBILIZATION. The treatment of sections 342.12 (4) (a), (b) and (c) 1. (intro.), 343.10 (5) (a) 3., 343.301, 343.305 (10m), 346.65 (6) (a) 1. (by SECTION 56j), 2m. and 3. and (b), (d), (k) and (m), 347.413 (1) and (2), 347.417 (1) and (2), 940.09 (1d) (a) and 940.25 (1d) (a) of the statutes and the renumbering of sections 940.09 (1d) and 940.25 (1d) of the statutes first apply to violations committed or refusals occurring on the effective date of this subsection, but does not preclude the counting of other convictions, suspensions or revocations as prior convictions, suspensions or revocations for purposes of administrative action by the department of transportation or sentencing by a court.

(4) INTOXICATED DRIVER IMPROVEMENT SURCHARGE. The treatment of sections 20.395 (5) (ek), 20.435 (6) (hx) and 346.655 (1) and (2) (a) and (b) of the statutes first applies to intoxicated driver improvement surcharges imposed for violations committed on the effective date of this subsection.

## ENGROSSED SENATE BILL 125

## SECTION 90

1 (5) MUNICIPAL COURT APPEARANCE AND SEIZURE OF MOTOR VEHICLE. The treatment  
2 of sections 346.65 (6) (a) 1. (by SECTION 56g) and 2., (c), (d) and (f) and 800.03 (4) of  
3 the statutes first applies to violations committed or refusals occurring on the  
4 effective date of this subsection, but does not preclude the counting of other  
5 convictions, suspensions or revocations as prior convictions, suspensions or  
6 revocations for purposes of administrative action by the department of  
7 transportation or sentencing by a court.

8 **SECTION 91. Effective dates.** This act takes effect on January 1, 2001, except  
9 as follows:

10 (1) The treatment of section 110.10 (10) of the statutes and SECTION 88 (3) of  
11 this act take effect on October 1, 2000.

12 (2) The treatment of sections 342.12 (4) (a), (b) and (c) 1. (intro.), 343.10 (5) (a)  
13 3., 343.301, 343.305 (10m), 346.65 (6) (a) 1. (by SECTION 56j), 2m. and 3. and (b), (k)  
14 ~~(k)~~ and (m), 347.413 (1) and (2), 347.417 (1) and (2), 940.09 (1d) (a) and 940.25 (1d)  
15 (a) of the statutes, the renumbering of sections 940.05 (1d) and 940.25 (1d) of the  
16 statutes and SECTION 90 (3) of this act take effect on January 1, 2002.

17 (3) The treatment of sections 346.65 (6) (a) 1. (by SECTION 56g) and 2., (c), (d)  
18 and (f) and 800.03 (4) of the statutes and SECTION 90 (5) of this act take effect on the  
19 first day of the 2nd month beginning after publication.

20 (END)



**State of Wisconsin**  
**1999-2000 LEGISLATURE**

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENT 1,**

**TO 1999 SENATE BILL 125**

Prepared by the Legislative Reference Bureau  
(April 5, 2000)

In enrolling, the following corrections were made:

1. Page 7, line 22: delete "(2c)" and substitute "(2c),".
2. Page 7, line 23: delete ", (c)" and substitute "and (c)".

LRBa2142/1ccc-1  
KMG:kjf

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Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31, Assembly Rule 37 and Joint Rule 56.

**ASSEMBLY AMENDMENT 1,  
TO 1999 SENATE BILL 125**

March 29, 2000 - Offered by Representatives STONE, FOTI and LADWIG.

1 At the locations indicated, amend the engrossed bill as follows:

2 ✓ 1. Page 9, line 3: delete "2 3" and substitute "2".

3 ✓ 2. Page 11, line 10: after that line insert:

4 ~~SECTION 21m.~~ 343.30 (1q) (b) 1. of the statutes is amended to read:

5 343.30 (1q) (b) 1. The Except as provided in subds. 3. and 4., the court shall  
6 suspend or revoke the person's operating privilege under this paragraph according  
7 to the number of previous suspensions, revocations or convictions that would be  
8 counted under s. 343.307 (1). Suspensions, revocations and convictions arising out  
9 of the same incident shall be counted as one. If a person has a conviction, suspension  
10 or revocation for any offense that is counted under s. 343.307 (1), that conviction,  
11 suspension or revocation shall count as a prior conviction, suspension or revocation  
12 under this subdivision.

13 ✓ 3. Page 11, line 19: after that line insert:

✓  
11-10

1 **SECTION 22m.** 343.30 (1q) (b) 4. of the statutes is amended to read:

11-19  
3 343.30 (1q) (b) 4. Except as provided in subd. 4m., if the number of convictions  
4 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other  
5 convictions, suspensions and revocations counted under s. 343.307 (1), equals 3 or  
6 more, the court shall revoke the person's operating privilege for not less than 2 years  
7 nor more than 3 years. After the first 90 days of the revocation period, the person  
8 is eligible for an occupational license under s. 343.10 if he or she has completed the  
9 assessment and is complying with the driver safety plan ordered under par. (c).

9 ✓ 4. Page 11, line 20: delete that line.

10 ✓ 5. Page 12, line 5: delete that line and substitute "person has a total of one or  
11 more prior convictions, suspensions or revocations, counting convictions under ss.  
12-5 940.09 (1) and 940.25 in the person's lifetime and other convictions, suspensions and  
13 revocations".

14 ✓ 6. Page 12, line 22: after "has" insert "a total of".

15 ✓ 7. Page 12, line 23: delete that line and substitute "or more prior convictions,  
16 suspensions or revocations, counting convictions under ss. 940.09 (1) and 940.25 in  
17-27 the person's lifetime and other convictions, suspensions and revocations counted  
18 under".

19 ✓ 8. Page 13, line 19: after that line insert:

20 **SECTION 34m.** 343.305 (10) (b) 1. of the statutes is amended to read:

21 343.305 (10) (b) 1. The Except as provided in subds. 3. and 4., the court shall  
22 revoke the person's operating privilege under this paragraph according to the  
23 number of previous suspensions, revocations or convictions that would be counted  
24 under s. 343.307 (2). Suspensions, revocations and convictions arising out of the

✓ 13-19

13-19

1 same incident shall be counted as one. If a person has a conviction, suspension or  
2 revocation for any offense that is counted under s. 343.307 (2), that conviction,  
3 suspension or revocation shall count as a prior conviction, suspension or revocation  
4 under this subdivision.”

5 ✓ 8. Page 14, line 2: after that line insert:

6 “SECTION 35m. 343.305 (10) (b) 4. of the statutes is amended to read:

7 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions  
8 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other  
9 ✓ convictions, suspensions and revocations counted under s. 343.307 (2), equals 3 or  
10 14-2 more, the court shall revoke the person's operating privilege for 3 years. After the  
11 first 120 days of the revocation period, the person is eligible for an occupational  
12 license under s. 343.10 if he or she has completed the assessment and is complying  
13 with the driver safety plan.”

14 ✓ 10. Page 14, line 3: delete that line.

15 ✓ 11. Page 14, line 9: delete “or seizure” and substitute “or seizure”.

16 ✓ 12. Page 14, line 10: delete “equipping” and substitute “equipping”.

17 ✓ 13. Page 14, line 10: after “used” insert “in the commission of the offense”.

18 14-10 ✓ 14. Page 14, line 11: delete lines 11 to 13 and substitute “or if the court  
19 requires that the person's operating privilege for the operation of “Class D” vehicles  
20 be restricted to operating “Class D” vehicles equipped with an ignition interlock  
21 device. If the number of convictions under ss. 940.09 (1) and 940.25 in the lifetime  
22 ✓ of the person whose operating privilege is revoked under sub. (10), plus the total  
23 ✓ number of other convictions, suspensions and revocations counted under s. 343.307  
24 ✓ (1), equals 2 or more, the procedure under s. 346.65 (6) shall be followed if.



1 **15.** Page 14, line 14: after “used” insert “in the improper refusal”.

2 **16.** Page 14, line 15: after that line insert:

3 “**SECTION 39m.** 343.31 (3) (bm) 1. of the statutes is amended to read:

4 343.31 (3) (bm) 1. The Except as provided in subds. 3. and 4., the department  
5 shall suspend or revoke the person’s operating privilege under this paragraph  
6 according to the number of previous suspensions, revocations or convictions that  
7 would be counted under s. 343.307 (1). Suspensions, revocations and convictions  
8 arising out of the same incident shall be counted as one. If a person has a conviction,  
9 suspension or revocation for any offense that is counted under s. 343.307 (1), that  
10 conviction, suspension or revocation shall count as a prior conviction, suspension or  
11 revocation under this subdivision.”

12 **17.** Page 15, line 3: delete lines 3 to 12 and substitute:

13 **SECTION 41m.** 343.31 (3) (bm) 4. of the statutes is amended to read:

14 343.31 (3) (bm) 4. Except as provided in subd. 4m., if the number of convictions  
15 under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus the total number of other  
16 suspensions, revocations and convictions counted under s. 343.307 (1), equals 3 or  
17 more, the department shall revoke the person’s operating privilege for not less than  
18 2 years nor more than 3 years. If an Indian tribal court in this state revokes the  
19 person’s privilege to operate a motor vehicle on tribal lands for not less than 2 years  
20 nor more than 3 years for the conviction specified in par. (bm) (intro.), the department  
21 shall impose the same period of revocation. After the first 90 days of the revocation  
22 period, the person is eligible for an occupational license under s. 343.10.”.

23 **18.** Page 15, line 16: on lines 16 and 17, delete “prior”.

1 ~~19.~~ Page 15, line 19: delete “. Suspensions” and substitute “Suspensions,  
✓ 15-19 except that suspensions”.

3 ✓ 20. Page 15, line 24: after “if the” insert “number of convictions under ss.  
✓ 15-24 940.09 (1) and 940.25 in the person’s lifetime, plus the”.

5 ✓ 21. Page 15, line 25: before “convictions” insert “other”.

6 ✓ 22. Page 15, line 25: delete “(1)” and substitute “(1),”.

7 ✓ 23. Page 16, line 6: after “if the” insert “number of convictions under ss. 940.09  
✓ 16-6 (1) and 940.25 in the person’s lifetime, plus the”.

9 ✓ 24. Page 16, line 7: before “convictions” insert “other”.

10 ✓ 25. Page 16, line 7: delete “(1)” and substitute “(1),”.

11 ✓ 26. Page 16, line 13: after “the” insert “number of convictions under ss. 940.09  
✓ 16-13 (1) and 940.25 in the person’s lifetime, plus the”.

13 ✓ 27. Page 16, line 13: after “revocations and” insert “other”.

14 ✓ 28. Page 16, line 14: delete “(1)” and substitute “(1),”.

15 ✓ 29. Page 16, line 23: delete the material beginning with that line and ending  
16 with page 17, line 4.

17 ✓ 30. Page 19, line 24: delete “prior”.

18 ✓ 31. Page 20, line 3: delete lines 3 to 12 and substitute:

19 “SECTION 54m. 346.65 (2j) (c) of the statutes is amended to read:

20 346.65 (2j) (c) Except as provided in par. (d), shall be fined not less than \$600

21 nor more than \$2,000 and imprisoned for not less than 30 days nor more than one

✓ 22 year in the county jail if the total of prior number of convictions under ss. 940.09 (1)

✓ 20-3

20-3 Cent

1 and 940.25 in the person's lifetime, plus the total number of other convictions,  
2 suspensions and revocations counted under s. 343.307 (2), equals 3 or more.

3 **SECTION 55b.** 346.65 (2w) of the statutes is amended to read:

4 346.65 (2w) In determining the number of prior convictions for purposes of sub.  
5 (2j), the court shall count convictions under ss. 940.09 (1) and 940.25 in the person's  
6 lifetime, plus other suspensions, revocations and convictions ~~that would be~~ counted  
7 under s. 343.307 (2). Revocations, suspensions and convictions arising out of the  
8 same incident or occurrence shall be counted as one. The time period shall be  
9 measured from the dates of the refusals or violations which resulted in the  
10 revocation, suspension or convictions. If a person has a conviction under s. 940.09  
11 (1) or 940.25 in the person's lifetime, or another suspension, revocation or conviction  
12 for any offense that is counted under s. 343.307 (2), that suspension, revocation or  
13 conviction shall count as a prior suspension, revocation or conviction under this  
14 section.".

15 ✓ 32. Page 20, line 23: delete "that would be" and substitute that would be,  
16 counting convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus  
17 other convictions, suspensions or revocations".

18 ✓ 33. Page 21, line 13: delete "that would be" and substitute that would be,  
19 counting convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus  
20 other convictions, suspensions or revocations".

21 ✓ 34. Page 22, line 1: delete "as counted" and substitute as counting convictions  
22 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus other convictions,  
23 suspensions or revocations counted".

1 ✓ 35. Page 24, line 4: delete "as" and substitute "as counting convictions under  
2 ss. 940.09 (1) and 940.25 in the person's lifetime, plus other convictions, suspensions  
3 or revocations".

4 ✓ 36. Page 24, line 24: delete the material beginning with that line and ending  
5 with page 25, line 9.

6 ✓ 37. Page 29, line 9: delete "as counted" and substitute "as counting convictions  
7 under sub. (1) and s. 940.25 in the person's lifetime plus other convictions,  
8 suspensions or revocations counted".

9 ✓ 38. Page 29, line 16: delete "convictions, suspensions or revocations, as  
10 counted" and substitute "and s. 940.09 (1) in the person's lifetime plus other  
11 convictions, under sub. (1) and s. 940.25 in the person's lifetime plus other  
12 convictions, suspensions or revocations counted".

13 ✓ 39. Page 29, line 23: delete "as counted" and substitute "as counting  
14 convictions under this section and s. 940.09 (1) in the person's lifetime plus other  
15 convictions, suspensions or revocations counted".

16 ✓ 40. Page 30, line 5: delete "as counted" and substitute "counting convictions  
17 under this section and s. 940.09 (1) in the person's lifetime plus other convictions,  
18 suspensions or revocations counted".

19 ✓ 41. Page 32, line 4: delete that line and substitute "and (c), 343.23 (2) (b),  
20 343.30 (1q) (b) 1., 3. and 4., 343.305 (10) (b) 1., 3. and 4., 343.31 (3) (bm) 1. and 3.".

21 ✓ 42. Page 32, line 5: delete "and 5., 346.63 (2m)," and substitute "and 4.,".

22 ✓ 43. Page 32, line 5: delete "(2c)".

23 ✓ 44. Page 32, line 6: after "(b)" insert "(c)".

and CCC

1      ✓ **45.** Page 32, line 14: delete “, (km)”.

2      ✓ **46.** Page 33, line 13: delete “(k),” and substitute “(k)”.

3      ✓ **47.** Page 33, line 14: delete “(km)”.

4                                      **(END)**